### REQUEST FOR COUNCIL ACTION

MEETING

ITEM NO.

DATE: 08-018-03

AGENDA SECTION:	ORIGINATING DEPT:
CONTINUED PUBLIC HEARINGS	PLANNING

ITEM DESCRIPTION: Vacation Petition #03-05 by Mark E. Jones Trustee to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is located at 2943 Rosemary Lane NE.

PREPARED BY:
Theresa Fogarty,
Planner

August 11, 2003

### Planning Department Recommendation:

See attached staff report dated August 11, 2003.

Staff is recommending approval of the vacation request, as submitted, with the following condition:

1. Prior to recording this vacating request, the applicant must grade the property and receive approval of a grading activity by City Public Works. The Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.

## Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve a portion of the vacation petition as recommended by staff.

### Attachments:

1. Staff Report dated August 11, 2003.

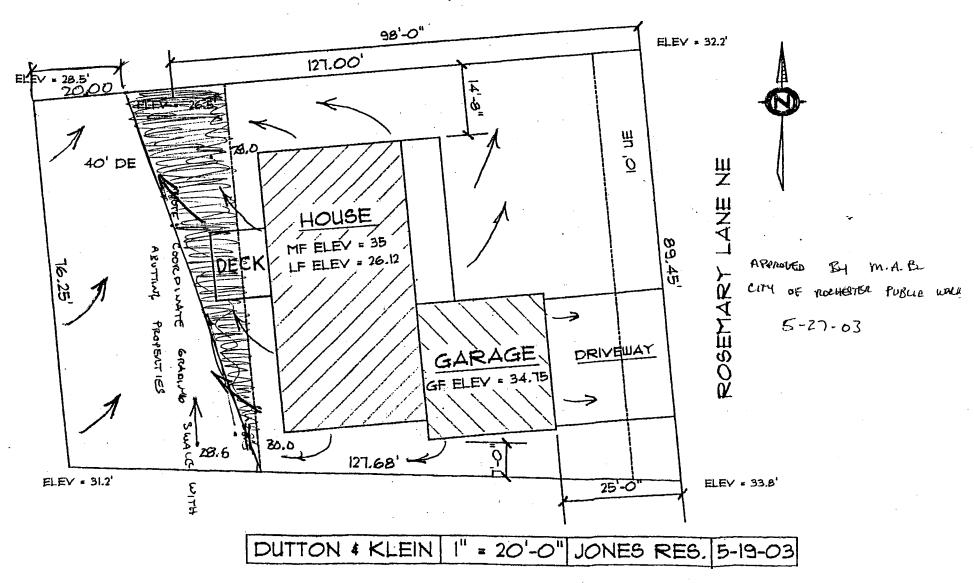
#### **Distribution:**

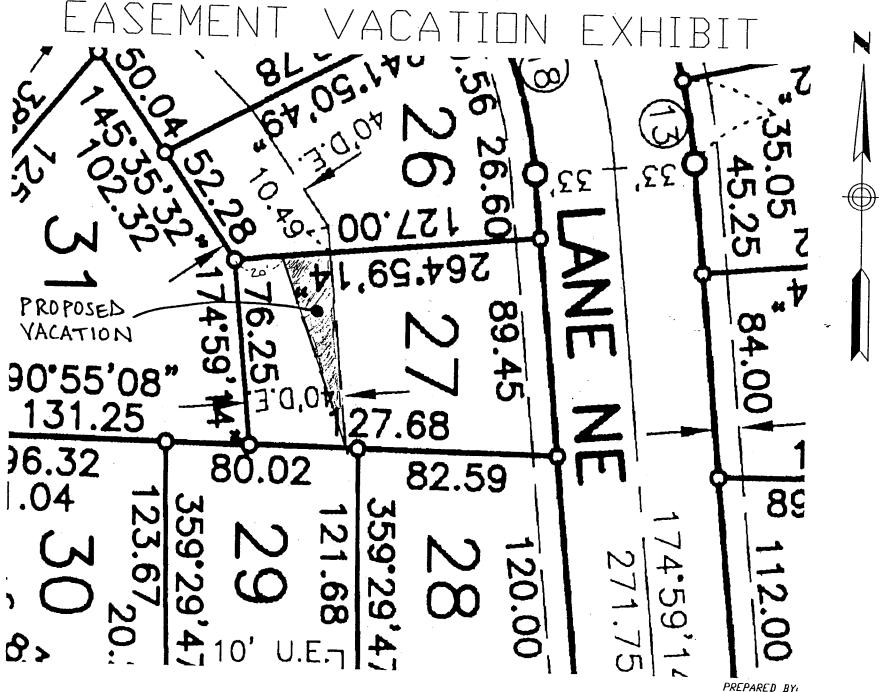
- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Copy of legal description is attached
- 4. Planning Department File
- Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, August 18, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by:	Second by:	_ to:



LOT 27, BLOCK 2 EMERALD HILLS THIRD OLMSTED COUNTY, MN





PREPARED BY:

MCGHIE & BETTS, INC.

CONSULTING ENGINEERS

PLANNERS, LAND SURVEYORS

ROCHESTER, MINNESOTA



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

www.olmstedcounty.com/planning



TO:

**Rochester City Council** 

FROM:

Theresa Fogarty, Planner

DATE:

August 11, 2003

RE:

Vacation Petition #03-05 by Mark E. Jones Trustee to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is

located at 2943 Rosemary Lane NE.

#### **Planning Department Review:**

Petitioner(s):

Mark E. Jones Trustee

2943 Rosemary Lane NE Rochester, MN 55906

Engineer/Surveyor:

McGhie & Betts, Inc.

1648 Third Avenue SE Rochester, MN 55904

Reason to Vacate:

The petitioner is requesting to vacate a portion of the 40' drainage and utility easement allowing for the construction of a deck on the rear of the home that is

currently under construction.

Referral Comments:

1. Rochester Public Works

Report Attachments:

1. Vacation Petition

2. Location Map

3. Referral Comments (1 letter)

#### Staff Recommendation:

Staff has reviewed the recommendations presented by Rochester Public Works and is recommending approval of the vacation request, as submitted with the following condition:

1. Prior to recording this vacating request, the applicant must grade the property and receive approval of a grading activity by City Public Works. The Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.



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## ROCHESTER

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TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting Vacation #03-05 by Newell to vacate a portion of a drainage & utility easement. The following are Public Works comments on the proposal:

 Public Works has no objection to granting this request provided the applicant grades the property and receives approval of a grading activities by Public Works prior to recording of the vacation. Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot. Syl

# City of Rochester, Minnesota

	8/12/03	
To:	Mayor and Common Council	
	City Hall City of Rochester, Minnesota	Mig. With the A
	Petition to Vacate Public Right-of-Way or Utility Easement	
and we	e undersigned, are the owners of the following described property located within the City of e constitute 50% or more of the owners of the property on the line of the public property her d: (Describe here or attach a separate list showing the legal description and full ownership of	rein described to be
Owner's	s Names (If in joint tenancy, both or all parties must sign) Legal Description	
Sonath	han A. Jones Supplemental Woods Trust LOT 27, BLOCK 2, F. K.E. Jones, Trustee	MERALD HILLS
Mark	< E. Jares, Thistee	THIRD
	,	
We hereb	eby petition the Common Council of the City of Rochester, Minnesota to vacate wing described public property:	集
" <u>5ee</u>	- attached"	
The facts		rear of
The facts	s and reasons for such vacation are as follows:  1. To get enough area for a deck on the value house to be built on said lot. (See plot plan")	rear of

	ut de la company	19	
atitioner respectfully requests	that such proceedings as shall be		alongootion by to the
n as possible.	JONATHAN A. JON	ES SUPPLEMENTAL	NEEDS TRUST
	Mark I. Your	e Trustee	ROCHESTER, MN.
	Signature of Petitioner	Address	Phone
In cases where the property Is owned in joint tenancy			
(Husband and wife, etc.)	Signature of Petitioner	Address	Phone
both owners must sign the petition.	<b></b>	e e e e e e e e e e e e e e e e e e e	
	Signature of Petitioner		
	Signature of Petitioner	Address	Phone
	Signature of Petitioner	Address	Phone
	Signature of Petitioner	Address	Phone
of Minnesota			
ity of Olmsted	}		
	^		
his 13th day	of August, 2003 natnor A. Jones	_, before me, a Notary P	ublic within said
nty personally appeared Jon	atnox A. Jones		to me personally
ument to be (his) (her) (the	in and who executed the forego eir) free act and deed and that	ing instrument and ackn	owledged/said
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Eavernament	Notar	y Public, Olmstéd County N	Minnesota
JEHNIFER LEE MITCHEL	L 🖁	•	
My Commission Expires Jan 31, 20	<b>1</b>	0- 2125	^ <i>C</i>
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	<u>Jan. 31, 20</u>	05
		ate My Commission Expire	

DISTRIBUTION:

City Clerk (white copy) Consolidated Planning (canary copy) Petitioner (pink copy)

Vacating Streets, Alleys, and Utility Easements: Form Number 1
Petition to Vacate Public Right-of-Way or Utility Easement



Rochester Minnesota

DRAINAGE EASEMENT VACATION DESCRIPTION

FOR:

MIKE DUTTON

DATE:

JULY 9, 2003

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

That part of the 40-foot drainage easement as dedicated and shown on Lot 27, Block 2, EMERALD HILLS THIRD SUBDIVISION, Olmsted County, Minnesota, lying easterly of the following described line:

Commencing at the southwest corner of said Lot 27; thence easterly along the south line of said Lot 27, a distance of 40 feet, more or less, to the east line of said drainage easement for the point of beginning of the line to be described; thence northwesterly to a point on the north line of said Lot 27, distant 20.00 feet easterly of the northwest corner of said Lot 27 and there terminating.

1648 Third Avenue S.E. Rochester, MN 55904

> Tel. 507.289.3919 Fax. 507.289.7333